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May 13, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**Re: *Rojas v. DP Hospitality Group, LLC*,
No. 24-cv-772 (KPF)**

Dear Judge Failla,

We represent Plaintiff Erick Rojas in the above-captioned matter. We write to respectfully request entry of an order directing Defendants that, within 30 days, they must: (1) confirm they have secured new counsel; (2) produce the pre-mediation discovery ordered by this Court; and (3) meet and confer with Plaintiff and the assigned mediator to schedule a date for the court-ordered mediation.

In February 2024, Plaintiff filed his Complaint in this action, which primarily asserts claims of unpaid overtime pursuant to the Fair Labor Standards Act and New York Labor Law. *See* ECF No. 1. On March 27, counsel at the firm Helbraun & Levey LLP filed notices of appearance on behalf of all Defendants, and filed Defendants' Answer to the Complaint. *See* ECF Nos. 6, 7, 10. By Order entered on April 8, 2024, this Court referred this matter to the Court's mediation program for FLSA cases and directed that the mediation be scheduled within 60 days. *See* ECF No. 12. That Order further directed the parties to confer and provide certain pre-mediation discovery. *See id.* On April 10, 2024, this Court's mediation office assigned a mediator and directed that the mediation schedule was due by May 10. *See* ECF entry at 4/10/2024.

During the weeks of April 8, April 15, and April 27, the undersigned attempted to schedule a meet and confer with Defendants' counsel to discuss the mediation and pre-mediation discovery. During that same period, the assigned mediator contacted the parties to set up a pre-mediation call to discuss scheduling of the mediation. On May 7, 2024, Plaintiff was informed by the assigned mediator that Defendants "are in the process of securing new counsel" and that current counsel was "not authorized to take any action in the case."

So as to not delay these proceedings, Plaintiff now respectfully requests that the Court enter an order directing Defendants that, within 30 days, they must: (1) confirm they have secured new

counsel; and (2) produce the pre-mediation discovery ordered by this Court in its April 8 Order. Plaintiff further requests that Defendants be ordered to meet and confer with Plaintiff and the assigned mediator within 30 days for the purposes of scheduling a date for the court-ordered mediation.

We thank the Court for its consideration and attention to this matter.

Respectfully submitted,

/s/Lucas C. Buzzard

Lucas C. Buzzard

Application GRANTED as follows:

Defendants are hereby ORDERED to obtain new counsel, or to file a letter on the docket regarding the status of their efforts to obtain new counsel, on or before **June 14, 2024**.

Within thirty days of the appearance of new counsel for Defendants, the parties are hereby ORDERED to meet and confer with the assigned mediator for the purposes of scheduling a date for the completion of pre-mediation discovery and the subsequent court-ordered mediation.

The Clerk of Court is directed to terminate the pending motion at docket entry 13.

Dated: May 14, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE